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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 3 April 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-12303 (E)

The meeting was called to order at 10.15 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) PROCEDURE ESTABLISHED IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

(agenda item 9) (continued) (E/CN.4/2000/7, 10, 26, 28-31, 33-35, 37-43, 45, 101, 113, 115, 116, 119, 121, 127, 129, 130, 137, 139 and 141-144; E/CN.4/2000/NGO/8, 19, 26, 36, 38, 44, 72-75, 86, 89, 96, 101, 103, 112, 117, 124, 129, 130-137 and 146; A/54/660, A/54/726-S/2000/59 and A/54/727-S/2000/65; S/2000/137)

1. The CHAIRMAN said that the Commission had considered agenda item 9 (b) in closed session at its 21st and 22nd meetings on 31 March 2000. It had had before it for consideration under Economic and Social Council resolution 1503 (XLVIII) the human rights situations in nine countries, namely, Chile, Republic of the Congo, Kenya, Latvia, Uganda, United Arab Emirates, Viet Nam and Zimbabwe. The Commission had decided to discontinue consideration of the human rights situations in Chile, Republic of the Congo, Kenya, Latvia, United Arab Emirates, Viet Nam, Yemen and Zimbabwe.

2. He reminded the members of the Commission that, in conformity with paragraph 8 of Economic and Social Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under that resolution or to any confidential material relating thereto.

3. The Special Rapporteur on the situation of human rights in the Sudan had - for compelling personal reasons - been unable to present his completed report to the Commission at its fifty-sixth session. However, a summary of his unedited report had been circulated as an Information Note (E/CN.4/2000/36). The final report would be issued as an addendum to that note.

4. Mr. SIDDIG (Sudan) said that his delegation had been given only two working days to prepare a response to the document in question, even though a period of at least six weeks was recommended in the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112). That unfair situation might have been avoided had the Special Rapporteur visited the Sudan in November 1999. He had actually done so only 17 days before the opening of the current session and it was regrettable that he was unable to present a report. The Sudanese Government wished to place on record its hope that it would be accorded the agreed six-week period in which to submit its response to the finalized version and that its response would be distributed simultaneously with the report.

5. The Special Rapporteur's acknowledgement in the Information Note (E/CN.4/2000/36) of the cooperation extended to him by the Sudanese Government was appreciated, as was his reference to the Government's stated desire to bring an early peace to the country and to promote

the transition to democracy. The Special Rapporteur's condemnation of rebel practices in violation of human rights and humanitarian law was welcome and the Government associated itself with the concerns he had expressed over rebel attempts to politicize humanitarian aid. It was dismayed by reports that the rebels were behaving as an occupying army in Eastern Equatoria and closing schools in the region.

6. The Government bore no responsibility for the fact that the Special Rapporteur had been unable to travel from Lokichoggio - in a neighbouring State - to an area under rebel control. The rebels were still, in fact, using civilian installations for military purposes, but the Government, for its part, was committed to the provisions of the Fourth Geneva Convention. In war, 100 per cent precision in aerial bombardment was impossible. Mistakes did occur, as in the case of the Kaouda School. An investigation was currently under way into that very regrettable incident.

7. With respect to the students mentioned in paragraphs 11 (a) and 14 of the note, one university had indeed temporarily suspended some 25 students for misconduct, but the charges had subsequently been nullified. His delegation also wished to refute the assertion that the independence of the Sudanese judiciary was being undermined. Elsewhere, the Special Rapporteur had referred to allegations of torture without specifying particular cases. Once the details were available, his Government would carry out full investigations with a view to prosecuting any persons found guilty.

8. The forced relocation of civilians in oil production areas was being carried out by military factions attempting to benefit from humanitarian relief from non-governmental organizations (NGOs). The troubles stemmed from conflicts for the leadership within the Nuer tribe. The nomadic Baggaara tribes had not been resettled - they were nomads who moved with their herds, only during the dry season did they spend any time in the south of the country.

9. The use of airstrips for military purposes in Higleeg had long predated the discovery of oil there. A military presence in the oil production areas was, however, necessary in view of constant targeting of oil facilities by rebel forces.

10. The rebel movement and an NGO known for its animosity towards the Sudan were responsible for the as yet unconfirmed reports of abductions in Bahr el-Ghazal. A government inquiry was currently under way and its findings would be made public.

11. He hoped that his Government's written comments would be issued as part of the Information Note (E/CN.4/2000/36).

Statements in exercise of the right of reply

12. Mr. EFTYCHIOU (Observer for Cyprus) said his delegation strongly disputed the assertion by the observer for Turkey that Turkey had not invaded Cyprus and reiterated its Government's position in that regard. Turkey had clearly failed to abide by the Treaty of Guarantee whereby Greece, Turkey and the United Kingdom recognized and guaranteed the independence, territorial integrity and security of Cyprus.

13. Turkey, with a standing army larger than the entire population of Cyprus, had occupied 37 per cent of the country, expelled 200,000 people, settled more than 100,000 Turkish colonists and caused the death of up to 6,000 persons and the disappearance of a further 1,619. Turkey had established a pseudo-State in the occupied area of Cyprus, an act which the Security Council had condemned in its resolution 550/1984 and characterized as "secessionist". No amount of oratory could change the fact that the use of force was expressly forbidden by the Charter of the United Nations.

14. The manner in which the observer for Turkey had referred to him personally had come as no surprise, given that the country represented by that observer had shown no respect for the sovereignty, independence and territorial integrity of Cyprus, and had consistently violated the rights of all Cypriots.

15. Mr. MANOUSSAKIS (Observer for Greece) said that the observer for Turkey had merely reiterated the "Turkish invention" according to which the military invasion of Cyprus was an "intervention". In flagrant violation of international law, Turkey had systematically disregarded the numerous United Nations resolutions on the issue. No sophistry could justify Turkey's action which, according to Security Council resolutions, was a classic form of aggression and military occupation. The situation in Cyprus was unacceptable and entirely due to Turkish intransigence. The only solution was the full implementation of the resolutions of the Security Council and Commission on Human Rights. The observer for Turkey should therefore inform the Commission whether his Government was ready to implement them.

16. Mr. TEKLE (Observer for Eritrea) said that the observer for Ethiopia had subjected the Commission to "crude double-speak". It did not serve the cause of peace or diplomatic truth to announce acceptance of an agreement and then refuse to sign it, as the Government of Ethiopia had done. The Government of Eritrea, for its part, had been ready for the past seven months to sign the Framework Agreement but did not see how an unsigned agreement could be implemented.

17. The observer for Ethiopia had stated that the number of deported Eritreans and Ethiopians of Eritrean origin was insignificant. No responsible Government would take numbers into account in matters of human rights. According to the terms of the Framework Agreement, neither Eritrea nor Ethiopia should be determining who had perpetrated aggression, a question that was to be left to the United Nations and other parties.

18. Mr. ABEBE (Observer for Ethiopia) said that the situation of Ethiopian nationals in Eritrea and in the occupied areas was as bleak as ever. The Eritrean regime had been dismantling towns and villages in an attempt to transform the Ethiopian identity of those areas. The Eritrean regime was using baseless propaganda to conceal the cruellest human rights violations perpetrated against Ethiopian nationals. A one-party tyranny itself, it was unsurprisingly engaged in vilifying the democratic process in Ethiopia. The Eritrean regime, with its dismal human rights record, had no moral standing to appear before the Commission, let alone talk about democracy in Ethiopia.

19. Mr. MERIC (Observer for Turkey) said that he would not to waste the Commission's time by responding to the absurd allegations made against Turkey by two countries and one

administration. The Armenian, Greek and Greek Cypriot delegations - united by a common hostility against Turkey - were joining forces to criticize his country, using the Commission not to promote human rights, but as a political tool and a forum for confrontation and acrimonious debate. Such behaviour undermined the credibility of the Commission.

20. Mr. EFTYCHIOU (Observer for Cyprus) said that the observer for Turkey had described the Cypriot statement as absurd, although it was based on facts verified by resolutions of the Security Council, General Assembly and Commission on Human Rights. An assertion that the organs of the United Nations were trading absurdities was an affront to the entire international community.

21. Turkey's position in Cyprus was an indefensible one. "Politicization of human rights" occurred when a country such as Turkey systematically ignored international law and persisted in violating human rights in order to promote its own political agenda and objectives, not when an entire people raised its voice to protest at gross violations of its human rights by another State.

22. Mr. MANOUSSAKIS (Observer for Greece) said the refusal of the observer for Turkey to inform the Commission whether or not his Government was in favour of the implementation of Security Council resolutions on the question of Cyprus revealed why the Cyprus problem was still unresolved. The international community accordingly had no choice but to urge Turkey to comply with its obligations under international law.

STATEMENT BY THE MINISTER OF HEALTH OF IRAQ

23. Mr. MUBARAK (Iraq) said that, in many parts of the world, powerful States were violating rights that were enshrined in international instruments, including the Universal Declaration of Human Rights. Many of the principles of human rights had unfortunately been politicized and were being used as a weapon with which to threaten sovereign nations. The work of the human rights institutions should be based on objectivity, impartiality and transparency, and not on politicization, selectivity and double standards. The independence of human rights institutions was still weak, however, in the face of continued pressure by certain States, particularly the United States of America.

24. For the past 10 years, Iraq had been exposed to the most heinous crime of genocide, perpetrated in the name of the United Nations and in the sight and hearing of the international community. Despite demands from many quarters, it was noteworthy that neither the United Nations, in general nor the High Commissioner for Human Rights or the Commission in particular had so far been able to adopt a decision calling for an immediate end to the economic embargo. The weakness of human rights institutions in confronting the United States of America had encouraged that State to go too far in its continued aggression against Iraq and other developing countries. The United States was perpetrating daily crimes with total impunity and without being firmly condemned either by human rights institutions or by the Commission.

25. The Commission's continued silence in the face of the grave violations of human rights to which the people of Iraq were exposed as a result of the continued economic embargo was a real danger threatening the future and the work of human rights institutions, limiting their credibility and subjecting them to politicization. Nevertheless, Iraq would never despair, since it

was confident that there were many genuine human rights defenders in the world, not least in the United Nations institutions themselves. The United Nations Coordinator for Humanitarian Affairs in Iraq, Mr. von Sponeck, had recently resigned, describing what was taking place in Iraq as a true human tragedy that should be brought to an end. The representative in Baghdad of the World Food Programme, Mrs. Burghart, had also resigned, saying that she was unable to do her job because of the pressure and constraints of Security Council resolutions.

26. It was difficult to imagine that one of the principal institutions of the United Nations had for more than 10 years been causing death and destruction to an entire nation. The economic embargo imposed by the Security Council had caused the deaths of 1.5 million Iraqi people, and it was hard to describe the pain and suffering of the rest of the population. The entire Iraqi nation had been exposed to genocide for the sake of implementing Security Council resolutions, despite providing all possible cooperation in honouring its commitments towards those resolutions.

27. Despite the drastic deterioration in the situation of the Iraqi people, the United States of America and the United Kingdom had persisted in their air offensives, causing more damage and destruction, and putting behind them their humanitarian principles, delaying contracts Iraq had signed for the importation of food, medicines and other humanitarian necessities. The total value of suspended contracts had reached US$ 1.8 billion.

28. As for the deterioration in the health sector, the mortality rate for children under five in 1999 was 11 times what it had been 10 years previously. The infant mortality rate had increased from 42 to 108 deaths per 1,000 live births in the period since the embargo was imposed. Diseases and epidemics were on the increase, particularly in the rural and southern regions of Iraq which were suffering from a shortage of drinking water. Iraq's national health institutions were no longer able to meet the urgent needs of the population because they were having to deal with increases in cancer cases, tumours, congenital malformations, muscular and nervous sickness and scientifically unexplained miscarriages as a result of the use of large quantities of depleted uranium by the United States and the United Kingdom during their aggression.

29. There had also been a total collapse of the general sanitary infrastructure which had led to infectious and communicable diseases being between at 7 and 20 times their normal levels. Before the war, Iraq had been controlling such diseases as cholera, malaria and scabies. There had been a sharp increase in cases of poliomyelitis and viral hepatitis. Hospitals and medical institutions built in the past 30 years needed serious rehabilitation.

30. His Government appealed to the Commission to assume its humanitarian responsibility by breaking its silence of the past 10 years and taking appropriate steps to put an end to the crime of genocide to which the Iraqi people was subjected and which was rejected by both the international community and the human rights defenders. The promotion of human rights required a sound economic, social and political environment, and his Government believed that the embargo would not help to provide such an environment. Its lifting would promote and advance the situation of human rights in Iraq and, if the Commission adopted a favourable resolution in that respect, that would help to consolidate its credibility.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (E/CN.4/2000/6 and Add.1-2, 46 and Add.1, 47-49, 51, 52/Add.1 and/53, E/CN.4/2000/NGO/13, 14, 32, 34, 40, 46, 49, 61, 76, 77, 90, 93, 94, 113, 125 and 140, CHR/RES/1998/25 and 26, E/CN.4/Sub.2/1999/12, E/CN.4/1999/48 and 49, E/CN.4/Sub.2/1999/10, E/1999/55, A/54/316 and /222 and Add.1)

31. Mr. FIGUEREDO (Special Rapporteur on foreign debt), introducing a report that he had prepared jointly with the independent expert on structural adjustment policies (E/CN.4/2000/51), said that the executive summary was to be found in pages 4 and 5 of the English version. At the G-7 meeting in Cologne in June 1999, a major debt reduction initiative had been announced, as an improvement on the heavily indebted poor countries (HIPC) initiative administered by the Bretton Woods institutions. Unfortunately, the envisaged debt relief would be insufficient to address pressing funding requirements for development. Moreover, there had as yet been little evidence of substantive change in structural adjustment policies.

32. Foreign debt not only perpetuated extreme poverty, it also exacerbated the negative impact of globalization on the developing countries. The enhanced HIPC initiative did, however, represent a radical change in emphasis towards poverty eradication. The new concept of adjustment would necessitate the elaboration of national poverty reduction strategy papers (PRSP), requiring national ownership and transparency. Indeed, the prime responsibility for alleviating poverty would still lie with national Governments, but there was also a constructive vision of cooperation with States, civil society and the United Nations system.

33. In his capacity as Special Rapporteur on foreign debt, he had been invited to Ecuador in February 2000 to discuss the difficult economic and social situation following civil and military unrest in that country. The Secretary-General of the United Nations Conference on Trade and Development (UNCTAD) had, at the request of the Government of Ecuador, facilitated inter-agency consultations on the situation in that country, at which it had been agreed that an inter-agency mission would be sent to provide technical support for a poverty reduction and growth stimulus programme. The mission would constitute a positive contribution to the incorporation of human rights considerations into structural adjustment policies.

34. The report stressed the importance of the link between foreign debt and poverty reduction. Zambia's foreign debt should be cancelled to enable it to deal with the HIV/AIDS epidemic, the foreign debt of Honduras and Nicaragua because of the Hurricane Mitch disaster, and that of Mozambique in the aftermath of the recent floods. Indeed, there should be an automatic suspension of debts when a country was hit by a disaster. That would necessitate the insertion of preventive disaster clauses in HIPC agreements. The report also proposed a direct link between debt relief and the prohibition of child labour, based on the successful Brazilian experience of "Bolsa Escola".

35. Ms. LIZIN (Independent expert on human rights and extreme poverty), introducing her report (E/CN.4/2000/52 and Add.1), said that despite repeated commitments the campaign against extreme poverty had yet to become the main objective of the international organizations. A coherent approach had still to be sought. The greater the freedom, the greater the need for social rules, and the three major structures in the world - those of the Bretton Woods institutions, the World Trade Organization (WTO) and the United Nations - had to find ways of directing their common approach towards social progress. The campaign against extreme poverty was one

of the rare links between those involved in economic globalization and those who were building human rights structures. The existence of extreme poverty jeopardized the achievement of all human rights and at the same time demonstrated their indivisibility and interdependence.

36. The prime responsibility for combating extreme poverty lay with the State, but action in a number of countries was paralysed by the weakness of administrative and economic structures as a result of the debt burden, armed conflict, natural disasters and financial crises. Genuine action to combat extreme poverty could be effective only if it actually reached the individuals concerned, and it was thus essential for States to have decentralized structures in which NGOs could flourish and fill the gaps in State structures. She had been particularly impressed by the work of NGOs in poor areas of Tokyo and by the effort undertaken in Benin to decentralize legislative structures.

37. She wished to draw the Commission's attention to the feminization of poverty. Women were the group most affected by extreme poverty, and it was imperative to take appropriate action to enable them to escape from that situation.

38. Summarizing the main conclusions contained in her report, she said that the elaboration of a possible draft declaration on human rights and extreme poverty should continue and work should concentrate on the interrelationship between the promotion and protection of human rights and the elimination of extreme poverty, should incorporate the results of consultations with the extremely poor and the communities in which they lived, should participate in the evaluation of strategies to combat extreme poverty at the regional and subregional levels and should contribute to consultations with the Bretton Woods institutions.

39. Mr. HARAGUCHI (Japan), said that the alleviation of poverty was essential to ensuring the realization and enjoyment of human rights. Accordingly, his delegation intended to contribute actively to the General Assembly special session on social development and its millennium session. The role and responsibility of the United Nations Development Programme (UNDP) in poverty eradication was extremely important, as was the contribution that could be made by the Commission for Social Development.

40. A number of initiatives had been taken to deal with the adverse impact of unilateral coercive measures, environmental issues, foreign debt and structural adjustment policies. Although his delegation shared the concerns expressed, it doubted whether some of the initiatives were appropriately addressed in the Commission. They were highly technical and required the involvement of various relevant bodies and, if the Commission wished to discuss them seriously, it would need to establish more structured coordination with those bodies. Indeed, it was because the Commission was not the appropriate forum to address such issues that the High Commissioner was trying to mainstream human rights into other forums where the expertise and means existed to achieve positive results. The interface approach was the right one, and his delegation supported the High Commissioner in that endeavour.

41. The right to education was of fundamental importance, and was the essential basis for the enjoyment of all human rights as well as for development; it was an important issue that deserved its own resolution.

42. Mr. MENDONCA E MOURA (Portugal), speaking on behalf of the European Union, and the associated countries of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that freedom and a life of dignity could be attained only through the full enjoyment of all economic, social and cultural rights as well as civil and political rights. Those two sets of rights were mutually reinforcing and, in common with all other human rights, were interrelated, interdependent and indivisible.

43. The Union wished to remind States that had signed but not yet ratified the International Covenants on Human Rights that they should take no action which contravened the spirit of those instruments. It also wished to stress that the realization of economic, social and cultural rights contributed to the enjoyment of civil and political rights. Equally, respect for civil and political rights was instrumental in the implementation of economic, social and cultural rights. The two International Covenants called for the immediate application of the principle of non-discrimination in the realization of all rights, and required a commitment to the elimination of all forms of de jure and de facto discrimination. There was no room for progressive realization with regard to non-discrimination: that must be secured immediately and fully.

44. It was, however, realistic to apply the concept of progressive realization to economic, social and cultural rights, as it was recognized that all such rights could not be achieved in a short period. Nevertheless, there was an obligation to move towards that goal as swiftly as possible and, in that regard, the Union supported the development of indicators and benchmarks. The indivisibility of human rights should serve as a basis for efforts to clarify the justiciability of economic, social and cultural rights: it would appear that not all such rights were fully and completely justiciable.

45. The Union saw the need to strengthen global implementation of economic, social and cultural rights, and had noted the idea of a draft optional protocol providing for a system of communications in relation to the International Covenant on Economic, Social and Cultural Rights. Much consideration would need to be given to the effectiveness of a possible individual complaints mechanism relating to those rights, and legal clarity on how to achieve optimum justiciability of such rights would be essential to consideration of such a mechanism. In that regard, the Union wished to draw attention to the fact that, within the Council of Europe, an Additional Protocol to the European Social Charter, providing for a system of collective complaints, had already become operational.

46. With respect to the global implementation of those rights, the Union wished to underline the role of the specialized agencies and international financial institutions of the United Nations system in protecting and promoting economic, social and cultural rights. Those institutions made a daily contribution to the realization of such rights, and had developed great expertise in the area.

47. The Union also welcomed the 1999 report of the High Commissioner for Human Rights to the Economic and Social Council, which had focused on implementation of economic, social and cultural rights. The High Commissioner's Office (OHCHR) was making real progress towards such implementation at all levels, placing emphasis on economic, social and cultural rights in its technical cooperation programmes and field activities and endeavouring to promote the integration of human rights into socio-economic policies.

48. All the rights enshrined in the International Covenant on Economic, Social and Cultural Rights were interrelated and of equal importance, but the Union wished to focus on the eradication of poverty and the right to education. The eradication of poverty and the elimination of the worst forms of child labour had become a central theme of the international community. The Union therefore welcomed the activities developed in the United Nations system on the rights-based approach to those problems. It also attached great importance to the forthcoming review of the World Social Summit, and welcomed the modifications to the HIPC initiative aimed at accelerating the assessment process and increasing the number of countries that could apply.

49. The Union had noted the first consultation on the elaboration of a possible draft declaration on human rights and extreme poverty (E/CN.4/2000/52/Add.1), and regarded with interest the idea of convening a second consultation on the topic. It wished to support the work of the independent expert on the question of human rights and extreme poverty, and was appreciative of her report (E/CN.4/2000/52). It had noted with interest the recommendations contained therein.

50. The Union also wished to mention general comment No. 12 of the Committee on Economic, Social and Cultural Rights, on the right to adequate food. It was noteworthy that problems of hunger and malnutrition existed in some of the most economically developed countries. Hunger and malnutrition were often caused not by lack of food, but by lack of access to available food. The Committee therefore concluded that every State party to the Covenant was obliged to ensure that everyone under its jurisdiction enjoyed access to the minimum amount of food that would ensure freedom from hunger.

51. The Union was not unaware of poverty and social exclusion. The latter, which gave rise to poverty and undermined the development of socially inclusive societies, could be understood as the process that deprived people of their rights. The Treaty of Amsterdam recognized that the Union and its member States had a fundamental responsibility to combat social exclusion and set clear guidelines for the policy support that should result from cooperation in that field.

52. Education was both a human right and a means of realizing other human rights. It was closely connected with the right to health. The Union supported the work of the Special Rapporteur on the right to education, and noted with interest the initiatives and studies that she was planning to undertake. It also welcomed the work done by the Committee on Economic, Social and Cultural Rights on the right to education, and the recently adopted general comments Nos. 11 and 13. With regard to the former, the Union called upon States where access to primary education was a serious problem to draw up a plan of action for primary education. The right to such compulsory and free education was unequivocally set forth in the International Covenant on Economic, Social and Cultural Rights.

53. The world faced enormous challenges in relation to the full realization of economic, social and cultural rights. One such challenge was globalization which, however, also brought with it opportunities to reduce disparities at global level and develop international partnership. By grasping such opportunities, all Governments could make a real contribution to the promotion of civil, cultural, economic, political and social rights. The Union was convinced that significant progress was being achieved, and remained deeply committed to pursuit of that aim.

54. Ms. JANJUA (Pakistan) said that the impression created by international human rights mechanisms was that economic and social rights were less important than civil and political rights. She therefore thanked the High Commissioner for Human Rights for her increasing endeavours to promote economic, social and cultural rights. Those rights had been enshrined in the Constitution of her own country, and the realization of such constitutional principles and the fundamental rights of its people was the highest priority of her Government. Therefore, notwithstanding the aggressive posture and increased defence spending of its eastern neighbour, her Government had decided to decrease the defence budget by 5 per cent, and invest the resultant savings in development projects that would contribute to the advancement of the economic, social and cultural rights of its people.

55. The independent expert on structural adjustment policies and the Special Rapporteur on foreign debt had submitted a joint report (E/CN.4/2000/51). While their mandates were complementary, justice was done to neither of those mandates by a joint report, which was not what the Commission had requested. The report dealt with few of the issues involved in the independent expert's mandate. No guidelines were given for structural adjustment plans. She wondered whether it had been assumed that such adjustment was no longer required in view of the poverty reduction strategy being pursued by the Bretton Woods institutions. There must be new developments to report in that context, unless the structural adjustment problems of developing countries had suddenly been resolved.

56. The joint report also had a rather narrow focus: it made no reference to the need for better market conditions, access by developing countries to financial and capital markets and technology, the evident need for transparency and the full participation of such countries in the deliberations and activities of international financial institutions. Those requirements had been the core elements of the Commission's resolution 1999/22. Furthermore, the Special Rapporteur had focused on heavily indebted poor countries and ignored the other developing countries.

57. A number of rights were involved in the challenges to development, including that of adequate financing for development, equitable global trade rules, fair access to knowledge and technology, the right not to be subjected to discriminatory treatment in the global economy for political or other non-economic reasons, and the right to effective participation in international economic decision-making. The elaboration of effective measures to realize economic, social and cultural rights depended on an objective assessment of the key impediments to the realization of such rights.

58. In a globalized economy, most such impediments arose from the inequitable nature of international trade and financial structures, as was evident from the gap between the richest and poorest peoples. Globalization had brought an increase in both prosperity and poverty, while a significant proportion of the world's population had been marginalized. In connection with the report of the Workshop on Human Rights and Extreme Poverty (E/CN.4/2000/52/Add.1), she commented that the international dimension and the impact of globalization needed detailed discussions.

59. As the High Commissioner for Human Rights had stated, a world in which economic, social and cultural rights were neglected was not one in which civil and political rights could

thrive. Unfortunately, economic, social and cultural rights had yet to be accorded the national and international priority they deserved. In the absence of such prioritization, poverty would continue to intensify, thereby denying their economic and social rights to a growing number of peoples, and threatening the civil and political structures of an increasing number of States and communities.

60. Mr. LIU Xinsheng (China) said that the international community was faced with the challenge of promoting and protecting economic, social and cultural rights, the full realization and enjoyment of which remained a distant goal for most developing countries. Developing countries had an enormous foreign debt burden, while Official Development Assistance (ODA) was steadily declining. The negative impact of globalization and the effects of the international financial crisis had increased the burden on the economies of developing countries, and more than half of the world's population lived in poverty.

61. The Commission must therefore take practical steps to promote and protect human rights, and must play its part in the realization of economic, social and cultural rights. It must urgently address the tendency to emphasize civil and political rights at the expense of economic, social and cultural ones. Due importance must be attached to issues of concern to the developing countries, such as the right to food, to drinking water and to health, the reduction of foreign debt and the dumping of toxic and other waste. The international community must be mobilized to take action to resolve the concerns of the developing countries.

62. The Commission must advocate the strengthening of international cooperation on the basis of equality and mutual respect, in order to remove obstacles to the realization of economic, social and cultural rights. The international community must be urged to display the political will to remove such obstacles by reducing developing countries' foreign debt and increasing ODA. Developing countries must also be encouraged to participate in the decision-making process in respect of world trade and the reduction of the negative impact of globalization. The Commission should encourage OHCHR to pay due attention to economic, social and cultural rights through the allocation of more human and other resources so as to contribute to the realization of such rights. For a very long period, only a small number of OHCHR officials had been responsible for those rights, a situation that must be urgently improved in order to reflect the importance of such rights.

63. China's achievements in the field of protecting and promoting economic, social and cultural rights were remarkable. Gross domestic product (GDP) had risen enormously, the country was feeding 22 per cent of the world's population using only 7 per cent of the world's arable land, the levels of rural poverty had dropped dramatically, average life expectancy had doubled in the past 50 years and the illiteracy rate was less than 15 per cent. In the light of China's experience, his delegation believed that, for such rights to be fully realized, appropriate development policies must be formulated in the light of national circumstances. His Government was not complacent about its achievements, but would continue to work for the improvement of the economic, social and cultural rights of its people and was ready to exchange experience and cooperate with other countries in that regard.

64. Mr. RODRIGUEZ CEDEÑO (Venezuela), having thanked the Special Rapporteur and the independent expert for their joint report (E/CN.4/2000/51), said that the challenges to development and the role of financial institutions had changed in recent years. Social problems would not be resolved if growth and development were focused solely on the market.

65. His Government supported all initiatives and activities aimed at finding a definitive solution to the serious problem represented by the foreign debt of all the developing countries. While there had been some positive developments, much greater efforts were needed to alleviate that debt. The General Assembly had adopted some significant resolutions on the increase of international cooperation in that regard. Effective and equitable policies must be adopted to bring about sustained economic growth and sustainable development. Significant changes must be made to traditional structural adjustment policies with regard to the heavily indebted developing countries in order to facilitate their reintegration into the global economy.

66. Countries must have the opportunity to promote social reform to adopt policies for the reduction of poverty, marginalization and social exclusion and to increase individual and collective levels of well-being, and to guarantee the full enjoyment of all human rights, particularly economic, social and cultural rights. The foreign debt burden restricted Governments' room for manoeuvre and their ability to achieve development and democratic governance and thus the full enjoyment of human rights.

67. Significant changes must be made to the policies pursued by international organizations, and he welcomed the announcement by the Bretton Woods institutions that strategic poverty reduction plans would be developed. Increased cooperation would be necessary between creditors, debtors, civil society and the United Nations system to deal adequately with the matter. Social and human rights considerations must form part of the monetary and financial balances to be achieved as a basis for development. Flexible formulas must be found to reduce foreign debt servicing if the developing countries were to deal successfully with the problems they faced within the international financial and monetary systems.

68. His delegation fully shared the concern expressed by the Special Rapporteur with regard to the relationship between debt, development, natural disasters and epidemics and agreed that countries beset by such problems should be given special treatment and that serious consideration should be given to the possibility of cancelling their foreign debt.

69. Mrs. de ARMAS GARCÍA (Cuba) said that economic, social and cultural rights continued to languish at the bottom of the human rights agenda. The right to development was still nothing but a dream for most developing countries. Even in the most powerful country in the world, 35 million people lived below the poverty line, 11.2 million went hungry and another 23.5 million suffered food insecurity.

70. The United States of America also took systematic action to violate the rights of other peoples, including her own. Over the past eight years, it had ignored General Assembly resolutions insisting that its blockade of Cuba be lifted. Its policy, which used hunger and disease as a means of imposing an economic, political and social model corresponding to its own imperialistic interests, was, by any standards, genocidal. Three generations of Cubans had suffered from the blockade for over 40 years.

71. The real aim of the economic war being waged by the United States, which most affected the most vulnerable sectors of society, was to snatch away from the Cuban people their hard-won freedom and democracy. The fact that Cuba had resisted the intensification of the blockade and the effects of the notorious Helms-Burton Act demonstrated both the efficiency of the Cuban system and the wide support of the Cuban people for its democratic model of social justice.

72. In the face of growing opposition in its own country and elsewhere, the United States Government had been indicating a softening of its policy towards Cuba. The Secretary of State had recently told the Commission that Cuba received more humanitarian aid from the United States than from any other country. That was quite untrue. Of the US$ 482 million in humanitarian assistance and development aid to Cuba between 1992 and 1998, only US$ 28,927,401 - or 6 per cent of the total received - had come from United States institutions. Moreover, all the aid had come from NGOs, churches and private companies, despite the numerous obstacles put in their way by various government departments. It reached Cuba despite, not because of, United States policy. Cuba was not the only country to suffer. At the end of 1998, economic sanctions were being applied to 75 countries, covering 52 per cent of the world population. She hoped that the Commission would overwhelmingly support the resolution submitted by the Non-Aligned Movement against the continuation of the blockade.

73. Mr. SABHARWAL (India) said that, despite the growing understanding of the universality and interdependence of human rights, poverty, exclusion and marginalization continued unchecked. Economic, social and cultural rights had begun to receive some attention but still not enough, owing to the excessive focus on civil and political rights in some countries. His country's Constitution had been deeply influenced by the Universal Declaration of Human Rights, and gave recognition to economic, social and cultural rights through a chapter on the "Directive Principles" of State policy. The Supreme Court had ordered that the Principles be "read into" the Fundamental Rights enshrined in the Constitution. It had also expressed the view that, unless the right to education, contained in the Directive Principles, was made a reality, Fundamental Rights would remain beyond the reach of the large segments of the population that were illiterate. Thirdly, it had ruled that the right to life meant the right to live with human dignity and the basic necessities.

74. His delegation regretted that the independent expert on structural adjustment and the Special Rapporteur on foreign debt should have submitted a joint report (E/CN.4/2000/51) that dealt only with the problem of debt and not with the effects of structural adjustment policies on the enjoyment of economic, social and cultural rights.

75. He noted with concern that, according to estimates by the Food and Agriculture Organization of the United Nations (FAO), the number of undernourished was a staggering 825 million. Further steps should be taken to realize the right of all to adequate food and to draw up a coherent United Nations strategy to that end. Attention should also be paid to issues raised in the report of the Special Rapporteur on the right to education (E/CN.4/2000/6), such as the growing gap between knowledge-based countries and education-deficit countries.

76. Careful consideration should be given to the issue of benchmarks and indicators, mentioned in the Secretary-General's report (E/CN.4/2000/47), since global benchmarks which did not take national conditions and availability of resources into account risked turning into a

set of pious wishes. As far as the proposal for a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights was concerned, action should be taken to seek the views of States before any further steps were contemplated.

77. Mr. THAKUR (Nepal) said that, over the past 30 years, the per capita income of the developed countries had increased from some US$ 5,700 to almost US$ 16,000, whereas the middle-income countries were trying to maintain their economic viability and the least developed countries (LDCs), which represented 14 per cent of the world population but only 0.6 per cent of world trade, were trying to avoid financial collapse. The LDCs export income could not even service their debts; indeed, the number of countries falling into the LDC category had risen from 42 in 1981 to 48 in 1999. No programme of action had met their aspirations. They might be labelled the "fourth world".

78. The gap between the developing and developed countries was growing as a result of the globalization process. Despite the efforts of the international community and the commitment by the developed countries, the trend of global cooperation in the field of development had not been promising. His delegation urged the United Nations to take urgent steps to reduce the increasingly unequal relationship between North and South.

79. The US$ 2.5 trillion debt burden on the developing countries could be relieved by taking a number of steps. First of all, a debt strategy involving the full implementation of the Uruguay Round and the Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least Developed Countries and Net Food-importing Developing Countries should be evolved. Secondly, there should be new debt relief measures, including debt cancellation, so that the LDCs could undertake economic reform and stabilization. Thirdly, the HIPC initiative should be realized. The IMF proposal to sell gold should not be adopted, since it might have an adverse impact on the economy of gold-producing developing countries. Other mechanisms should be explored for funding debt measures. A balanced approach combining debt cancellation, export-oriented mechanisms and development programmes should be adopted to ensure that countries did not fall back into the "debt trap".

80. Mr. PADILLA MENENDEZ (Guatemala) said that the lack of resources in developing countries made the adoption of policies to realize economic, social and cultural rights difficult. Taxation and international assistance were not sufficient to fund primary education for all children, to diminish infant mortality or to improve the life expectancy of those living in extreme poverty. The worst forms of child labour had not been eradicated; poverty had not been substantially diminished by the usual policy of job creation in small and medium-sized enterprises, since they were unable to compete in the global economy; micro-financing programmes - even in countries like Bangladesh where they had enjoyed great success - had not been able to relieve the extreme poverty of a billion people working in the informal economy. The world's wealth was concentrated in one fifth of mankind.

81. Structural adjustment policies designed to balance budgets and reduce inflation entailed the elimination of subsidies for public services, with negative effects on the majority of the population. The situation was exacerbated by the crippling amounts required to service the foreign debt. In that regard, his delegation believed that it was time for the Commission to adopt an integrated approach rather than divide its work into separate compartments. The resolutions

on extreme poverty, external debt, economic, social and cultural rights, the right to education, food and development, and the rights of the child should be seen to be interrelated. The Commission's discussions should be grounded in reality and the Bretton Woods institutions should take serious steps to implement the Commission's recommendations. The proposals put forward in documents E/CN.4/2000/51 and E/CN.4/1999/WG.18/2 should be implemented.

82. He urged the World Bank, the regional development banks and the G-7 Governments not only to assist in that aim but also to link debt relief to combating HIV/AIDS in Africa, particularly in countries such as Zambia; to examine the modalities of debt cancellation for reconstruction in countries that had suffered natural disasters; and to consider programmes linking debt relief to education, in the interests of eradicating the worst forms of child labour. Other organizations of the United Nations system could participate. Much could be achieved if the system enjoyed better coordination in following the Commission's recommendations and if all Member States put those recommendations into practice. It would also be desirable for resolutions relating to economic, social and cultural rights to be adopted unanimously in a spirit of cooperation rather than of confrontation.

83. Mr. HUSSAIN (Observer for Iraq) said that the International Covenants on Human Rights affirmed the right of States to enjoy full sovereignty over their natural resources. Yet some Powers were still exercising hegemony aimed at exploiting the wealth and resources of third-world countries through the use of coercive measures, economic sanctions, embargoes, globalization, transnational corporations and foreign debt.

84. His country was one of those targeted. It had been subjected to comprehensive economic sanctions since August 1990, which severely crippled all aspects of public life and dismantled the social fabric of society. The population had been denied the right to benefit from the revenue from its major resource, namely, oil. As a result, the movement of trade and financial transactions at both the national and international levels had been disrupted, unemployment had risen and living standards had deteriorated. Tourism, services and transport had also been severely harmed by the air and sea embargo imposed by the United States and the United Kingdom.

85. Moreover, thousands of Iraqis had had no choice but to leave the country to seek work, to the detriment of family life. Women found themselves having to deal with further responsibilities. State institutions such as nurseries, orphanages, centres for young people, the elderly and the disabled, among others, had been severely affected. Teaching institutions also faced a shortage of materials. During the year 1998-1999, 113,538 pupils had been forced to leave school to work in the informal sector. During the same period, 15,349 teachers had left the profession. Many publishing houses had been obliged to cease operations, since the country was forbidden to import publications, educational materials and the equipment and raw materials required for printing.

86. In addition, the hostile military operations conducted by the United States and the United Kingdom had harmed the infrastructure of public utilities, such as power stations, water sanitation, oil-pumping stations, docks, factories and silos. The aim was to destroy as many features of civilization as possible. Moreover, the munitions used contained depleted uranium,

the damage from which would be felt for the next 4 million years. Many international law experts had described the policy as genocide and he appealed to the Commission to give due consideration to the violations of the Iraqi people's human rights.

87. Mr. SFEIR-YOUNIS (World Bank) said that the era of structural adjustment might be over, but that of adjustment and sound macroeconomic management would, unfortunately, never come to an end. Mistakes had undoubtedly been made in the first phases of structural adjustment programmes, but it was also worth asking what would have happened if those adjustment operations had not been in place. The poor were undoubtedly better off than they would otherwise have been. Some of the lessons learned were that adjustment took more time than originally expected; that the partial application of elements constituting real adjustment might be more detrimental than not applying the package at all; that the interests of the poor were best served through participation, good governance and democracy; and that long-term structural problems must be addressed, otherwise short-term stabilization programmes would be short-lived.

88. The whole of a society should be involved in deciding its destiny. Policy-making could not be the privilege of a few. The need to empower the poor, women and the powerless had been recognized. The Bank greatly valued its joint review of adjustment operations with a large group of NGOs, under a programme called the Structural Adjustment Participatory Review Initiative (SAPRI).

89. Discussion of the debt issue often involved a number of fallacies. The first was that total debt cancellation was tantamount to placing additional resources in the hands of the poor or for public services in their countries. That would be the case only if specific policies to that end were adopted. The second fallacy was that debt cancellation would mean that a country need undertake no further borrowing. Borrowing was sometimes, however, the best policy. Unfortunately, the sum borrowed was all too often not used proactively.

90. It was a tremendous task to take a person out of poverty in a sustainable way. In his own family, it had taken two generations. To achieve the same for the 1.5 billion people living on less than US$ 1 a day would require massive individual and collective action, as well as a completely different approach to development. As far as the principle of the universality of rights was concerned, he pointed out that there must be trade-offs in the allocation of scarce resources and that affordability was an essential element of the equation. When providing free primary education, it was essential to ensure that a cost-recovery policy was in place, otherwise the long-term sustainability of education would be damaged. Certainly, it was another fallacy to make a link between debt repayment and school fees. Much could certainly be achieved through the HIPC initiative, which needed full funding. That, however, would entail a net increase in the cost of lending, in particular to middle-income countries.

The meeting rose at 1.05 p.m.